

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

BRIAN JOHN KARRIS,

Plaintiff,

v.

C.O. BURNS,

Defendant.

DECISION AND ORDER
15-CV-599-A

This case was referred to Magistrate Judge Michael J. Roemer pursuant to 28 U.S.C. § 636(b)(1) for the conduct of pretrial proceedings. On April 11, 2017, Magistrate Judge Roemer filed a Report and Recommendation (Dkt. No. 15) recommending that Defendant's motion to dismiss (Dkt. No. 10) be granted.

The Court has carefully reviewed the Report and Recommendation, the record in this case, and no objections to the Report and Recommendation having been timely filed, it is hereby

ORDERED, pursuant to 28 U.S.C. § 636(b)(1), and for the reasons set forth in Magistrate Judge Roemer's Report and Recommendation, Defendant Burn's motion to dismiss (Dkt. No. 10) is granted, Plaintiff Karris' equal protection, due process, and official capacity claims are dismissed with prejudice, but Plaintiff's Eighth Amendment excessive force claim against the Defendant in his individual capacity proceeds.

The matter is recommitted to Magistrate Judge Roemer for further proceedings.

IT IS SO ORDERED.

s/Richard J. Arcara
HONORABLE RICHARD J. ARCARA
UNITED STATES DISTRICT COURT

Dated: January 18, 2018